

Customer No.: 64884

Docket No.: -H0630-0003-P003

### Remarks

The final Office Action mailed on December 30, 2010 has been carefully reviewed and considered.

Claims 1, 3-13, 16, 31, 32 and 34-38 are pending in the application and stand rejected.

Applicant thanks the Examiner for the withdrawal of rejections indicated on page 7 of the Office Action. The now-pending rejections are addressed below.

### Office Action Response to Arguments

The pending Office Action presents a "Response to Arguments" beginning at page 3 thereof. Applicant thanks the Examiner for the careful consideration evident in this Response, but further traverses as follows:

In making the pending rejections, the Patent Office relies upon the conclusion that the Help Manual is prior art. Applicant respectfully disagrees and notes again that the Help Manual was distributed on a limited basis and exclusively to specific purchasers of the corresponding software.

As noted in the office action, MPEP 2128.01 instructs that a reference will constitute a "printed publication" as long as a presumption is raised that the portion of the public **concerned with the art** would know of the invention even if accessibility is restricted only to this part of the public. Emphasis added.

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Under § 103,... the level of ordinary skill in the pertinent art is resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Graham v. John Deere Co., 383 U. S. 1 (1966).

Section 103 forbids issuance of a patent when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." KSR Int'l Co. v. Teleflex, Inc., 550 U.S. 398 (2007) (emphasis added)

The Office Action identifies the person of ordinary skill in the art as "a person attempting to design and implement a communication network, including a wireless RF component,"(emphasis added). Page 5, lines 4-6. Applicant respectfully disagrees and submits that this characterization identifies a consumer of the product in question and not a practitioner of ordinary skill in the art. The Patent Office has presented no grounds on which to conclude that the person attempting to design and implement a communication network is likely to be same person who would invent "a system for planning a network" or develop the related methods, as claimed. To the contrary, both fields of endeavor are highly technical and specialized.

Accordingly, distribution of the Help Manual to a small number of consumers in no way raises the requisite presumption that the Help Manual would ever be available to any portion of the public concerned with the art of developing the system referenced in the Help Manual. Consequently the Help Manual is not a printed publication and all rejections relying thereon (i.e., all pending rejections) should be withdrawn. Action consistent with this conclusion is respectfully requested.

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## 35 USC §103

Claims 1, 3-6 and 36-38 stand rejected under 35 USC §103(a) over United States patent number 6,499,006 to Rappaport et al. (*hereinafter* Rappaport) in view of United States patent number 5,821,937 to Tonelli et al. (*hereinafter* Tonelli) in further view of CADDstar version 5.0 Help Manual (*hereinafter* Help Manual), and in further view of United States patent number 5,587,725 to Lewis (*hereinafter* Lewis). Applicant respectfully traverses.

The present application relates to a system and method for network infrastructure management. In this context, claim 1 recites:

A method for deploying a fiber optic communication network comprising: storing an attribute of an optical communication component in a computer catalog database entry, said optical communication component including a fiber reel having an uneven buffer count ; associating said catalog database entry with a design profile; selecting said database entry from said design profile; reading said attribute from said database entry; associating said attribute with a planned deployment of a physical instance of said component; calculating an optical loss, including a loss associated with an optical fiber splice; forming a visible image representing said planned deployment, said visible image including a separately identified integrated detail drawing ; and associating a location on said visible image with a GPS signal. Emphasis added.

The Rappaport reference relates to a method for displaying the results of predicted wireless communication system performance of a three-dimensional

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region of fluctuating elevation and/or color within a three-dimensional computer drawing database. Abstract.

The Tonelli reference relates to a method for designing networks including auditing a network to discover a present network configuration, creating a network designed sheet from the discovered network configuration, placing device icons representing intelligent device objects on the network design sheet, selecting a media type representing an intelligent media object, and connecting the media type to a first one of the device icons. Abstract

The Lewis reference relates to an apparatus and method for determining with a high degree of accuracy the location of an object. Abstract

Every element of the claim must be taught or suggested by the cited references to support a finding of obviousness. The Office Action relies on Rappaport for an asserted teaching of "associating said catalog database entry with a design profile," citing column 6, lines 40-44 and column 8, lines 23-35.

Applicant has carefully reviewed the identified portions of Rappaport and does not find any teaching or suggestion of "associating said catalog database entry with a design profile."

At column 6, line 40, Rappaport states:

This point-and-click process involves the user selecting the desired hardware component from a computer parts database and then visually positioning, orienting, and interconnecting various

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hardware components within the 3-D environmental database to form complete wireless communication systems.

At column 8, line 23, Rappaport provides:

The designer may then decide to modify the electromechanical properties assigned to objects within the 3-D environmental database, modify the type, orientation, or placement of components within the antenna systems, and/or add or remove wireless system hardware components in function block 90. Performance predictions can then be repeated and the results displayed as described above. Once the design is as desired, then the 3-D database contains all of the information necessary to procure the necessary components for installing the wireless system. The locations of each component are clearly displayed, and a visual 3-D representation can be viewed as a guide.

Applicant respectfully submits that there is nothing in Rappaport, or in any of the other references of record, whether taken alone or in combination, to teach or suggest **both a catalog database and a design profile as claimed**. For at least this reason, the rejection of claim 1 under 35 USC §103(a) is overcome and should be withdrawn. Withdrawal of the subject rejection is respectfully requested.

Claims 3-6 depend, directly or indirectly, from claim 1 and incorporate every feature thereof. Accordingly, for at least the reasons given above in relation to claim 1, the rejections of claims 3-6 under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Help Manual and Lewis are

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also overcome. Withdrawal of the corresponding rejections is therefore respectfully requested.

Claim 36 recites, in pertinent part, "associating said catalog database entry with a design profile." For reasons corresponding to those provided above in relation to claim 1, claim 36 is neither anticipated nor rendered obvious by the references now of record, whether taken alone or in combination. Therefore withdrawal of the rejection of claim 36 under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Help Manual and Lewis is respectfully requested.

Claims 37 and 38 depend directly from claim 36 and incorporate every feature thereof. Therefore, for at least the reasons given above in relation to claim 36, the rejections of claims 37 and 38 under 35 USC §103(a) over Rappaport in view of Tonelli and in further view of Help Manual and Lewis are also overcome. Withdrawal of the subject rejections is therefore respectfully requested.

Claims 7-9, 12, 31-32 and 34-35 stand rejected under 35 USC §103(a) over Rappaport in view of Tonelli, in further view of Help Manual, and in still further view of United States patent number 4,866,704 to Bergman (*hereinafter* Bergman).

The Bergman reference relates to an asynchronous, high-speed, fiber optic local area network originally developed for tactical environments with additional benefits for other environment such as spacecraft, and the like. Abstract.

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The Bergman reference is cited for its asserted teaching of "the fiber-optic equipment recited by these claims." Office Action, page 18. Applicant respectfully notes that the further combination of Bergman with Rappaport, Tonelli and Help Manual does nothing to remedy the deficiency of the combination addressed above in relation to claims 1 and 36. In light of this, and taking note of the fact that claims 7-9, 12, 31-32 and 34-35 all depend, directly or indirectly, from claim 1, the present rejection is believed to be overcome for at least the reasons given above. Accordingly, withdrawal of the subject rejections is respectfully requested.

Claims 10-11 stand rejected under 35 USC §103(a) over Rappaport in view of Tonelli, in further view of Help Manual and in still further view of United States patent number 5,761,432 to Bergholm et al. (*hereinafter* Bergholm).

The Bergholm reference relates to an attribute design database system that provides for inventory management, order process management and design management. Abstract

Applicant respectfully notes that the further combination of Bergholm with Rappaport, Tonelli and Help Manual does nothing to remedy the deficiency of this combination, as addressed above in relation to claims 1 and 36. In light of this, and taking note of the fact that claims 10 and 11 both depend directly from claim 1, the present rejection is believed to be overcome for at least the reasons given above. Accordingly, withdrawal of the subject rejections is respectfully requested.

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Claims 13 and 16 stand rejected under 35 USC §103(a) over "Modeling Multiple Views of Design Objects in a Collaborative CAD Environment" (*hereinafter* Rosenman) in view of Rappaport and in further view of Help Manual, and in still further view of Lewis.

Claim 13 recites, in pertinent part, "software including a catalog portion, a design profile portion and a calculation portion." The Rosenman reference relates to modeling multiple views of design objects in a collaborative CAD environment. Page 1, line 1.

Applicant respectfully notes that the further combination of Rosenman with Rappaport and Help Manual does nothing to remedy the deficiency of this combination addressed above in relation to claims 1 and 36. That is, the references now of record do not teach or suggest both a catalog portion and a design profile portion. In light of this deficiency, the present rejection of claim 13 is also overcome. Inasmuch as claim 16 depends directly from claim 13, the rejection of claim 16 is likewise overcome. Accordingly, withdrawal of the subject rejections is respectfully requested.

Claims 1, 3-12, 31-32 and 34-35 stand rejected under 35 USC §103(a) over Help Manual in view of Tonelli and in further view of Lewis. Reliance on Help Manual in making the present rejection is improper because, as demonstrated above, Help Manual is not a Printed Publication within the meaning of the statute. Tonelli, whether taken alone or in combination with the other references now of record, does not teach or suggest both "storing an attribute of an optical communication component in a computer catalog database entry... [and]... associating said catalog database entry with a design profile." For at least these



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reasons, the rejections of claims 1, 3-12, 31-32 and 34-35 stand rejected under 35 USC §103(a) over Help Manual in view of Tonelli and in further view of Lewis are overcome and should be withdrawn.

In view of the foregoing arguments and amendments, all claims now in the application are believed to be in immediate condition for allowance. Therefore, allowance of all claims and prompt passage of this application to issue is earnestly solicited.

A petition for a three month extension of time is transmitted herewith, along with the requisite fee. If required, the Commissioner is hereby petitioned, under 37 C.F.R. § 1.136 (a), to extend the time for filing a response to an outstanding Office Action, or any communication filed in this application by this firm, by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 50-3950 of Bergman & Song LLP, under Order No.: -H0630-0003-P003

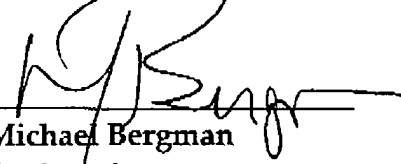
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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (617) 868-8871 in Cambridge, Massachusetts.

Dated: JUN 30 2011

Respectfully submitted,

By 

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